

SB2609



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2609

Introduced 10/23/2013, by Sen. Michael Noland

SYNOPSIS AS INTRODUCED:

720 ILCS 5/3-7

from Ch. 38, par. 3-7

Amends the Criminal Code of 2012. Provides that the period within which a prosecution must be commenced does not include any period from the time the evidence of a sexual assault is collected using the Illinois State Police sexual assault evidence collection kit until the completion of the analysis of the collected evidence.

LRB098 13878 RLC 48408 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Section 3-7 as follows:

6 (720 ILCS 5/3-7) (from Ch. 38, par. 3-7)

7 Sec. 3-7. Periods excluded from limitation.

8 (a) The period within which a prosecution must be commenced
9 does not include any period in which:

10 (1) the ~~(a) The~~ defendant is not usually and publicly
11 resident within this State; or

12 (2) the ~~(b) The~~ defendant is a public officer and the
13 offense charged is theft of public funds while in public
14 office; or

15 (3) a ~~(c) A~~ prosecution is pending against the
16 defendant for the same conduct, even if the indictment or
17 information which commences the prosecution is quashed or
18 the proceedings thereon are set aside, or are reversed on
19 appeal; or

20 (4) a ~~(d) A~~ proceeding or an appeal from a proceeding
21 relating to the quashing or enforcement of a Grand Jury
22 subpoena issued in connection with an investigation of a
23 violation of a criminal law of this State is pending.

1 However, the period within which a prosecution must be
2 commenced includes any period in which the State brings a
3 proceeding or an appeal from a proceeding specified in this
4 paragraph (4) subsection (d); or

5 (5) a (e) A material witness is placed on active
6 military duty or leave. In this paragraph (5) subsection
7 (e), "material witness" includes, but is not limited to,
8 the arresting officer, occurrence witness, or the alleged
9 victim of the offense; or

10 (6) the (f) The victim of unlawful force or threat of
11 imminent bodily harm to obtain information or a confession
12 is incarcerated, and the victim's incarceration, in whole
13 or in part, is a consequence of the unlawful force or
14 threats; or -

15 (7) the evidence of a sexual assault is collected using
16 the Illinois State Police sexual assault evidence
17 collection kit until the completion of the analysis of the
18 collected evidence.

19 (b) For the purposes of this Section:

20 "Completion of the analysis of the collected evidence"
21 means analysis of the collected evidence and conducting of
22 laboratory tests and the comparison of the collected
23 evidence with the genetic marker grouping analysis
24 information maintained by the Department of State Police
25 under Section 5-4-3 of the Unified Code of Corrections and
26 with the information contained in the Federal Bureau of

1 Investigation's National DNA database.

2 "Illinois State Police sexual assault evidence
3 collection kit" has the meaning ascribed to it in Section
4 1a of the Sexual Assault Survivors Emergency Treatment Act.

5 "Sexual assault" has the meaning ascribed to it in
6 Section 1a of the Sexual Assault Survivors Emergency
7 Treatment Act.

8 (Source: P.A. 93-417, eff. 8-5-03; 94-1113, eff. 1-1-08.)